

U.S.S.N 10/091,144
Chen
PRELIMINARY AMENDMENT

REMARKS

Any fees that may be due in connection with this application throughout its pendency may be charged to Deposit Account No. 50-1213.

The first paragraph of the Specification is amended to clearly set forth the continuity and priority claim under 35 U.S.C. §119(e). The instant application claims priority to U.S. provisional Application Serial Nos. 60/272,877 and 60/367,359. U.S. provisional Application Serial No. 60/367,359 is the result of a conversion from U.S. utility Application Serial No. 09/798,277, which no longer exists as a utility application. Accordingly, the amendment replaces U.S. utility Application Serial No. 09/798,277, with U.S. provisional Application Serial number 60/367,359, as an application to which the instant application claims priority. No new matter has been added.

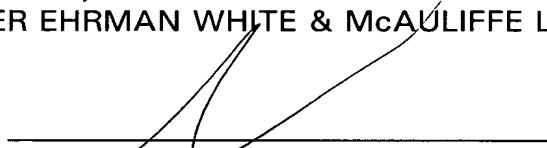
Included as an attachment is a marked-up version of the specification paragraph, per 37 CFR §1.121.

* * *

Entry of this amendment and examination of the application are respectfully requested.

Respectfully submitted,
HELLER EHRLMAN WHITE & McAULIFFE LLP

By:


Stephanie L. Seidman
Registration No. 33,779

Attorney Docket No. 25886-0066B
Address all correspondence to:
Stephanie L. Seidman, Esq.
HELLER EHRLMAN WHITE & McAULIFFE
4350 La Jolla Village Drive, 7th Floor
San Diego, California 92122-1246
Telephone: 858 450-8400
Facsimile: 858 587-5360
Email:sseidman@HEWM.com



RECEIVED

FEB 13 2003

TECH CENTER 1200/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JAMES CHEN
Serial No.: 10/091,144
Filed: March 4, 2002

For: **NOVEL USES OF
PHOTOLUMINESCENT
NANOPARTICLES FOR
PHOTODYNAMIC THERAPY**

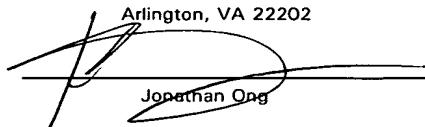
Confirmation No.: 7692
Art Unit: 1615
Examiner: Unassigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL" 1200/2900

"Express Mail" Mailing Label No.: EV 260128367 US
Date of Deposit: February 4, 2003

I hereby certify that this paper and the attached papers are being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and addressed to:

Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 2327
Arlington, VA 22202


Jopethan Ong

**ATTACHMENT TO THE PRELIMINARY AMENDMENT
MARKED UP PARAGRAPHS AND CLAIMS (37 CFR §1.121)**

IN THE SPECIFICATION:

Please amend the specification as follows:

Please amend the paragraph on page 1, lines 2-11, as follows:

Benefit of priority under 35 U.S.C. 119(e) is claimed to U.S. provisional application Serial No. 60/272,877, filed March 2, 2001, to Chen, entitled "NOVEL USES OF PHOTOLUMINESCENT NANOPARTICLES FOR PHOTODYNAMIC THERAPY;" and to U.S. provisional application Serial No. [09/798,277]60/367,359, filed March 2, 2001, [and converted to a provisional application on February 26, 2002, serial number unavailable, to Chen,] entitled "NOVEL USES OF PHOTOLUMINESCENT NANOPARTICLES FOR PHOTODYNAMIC THERAPY." The disclosures of the above-referenced applications are incorporated herein by reference in their entirety.